S.B.Cr.Misc. Bail App. No.5251/2007

(Hanuman vs. State of Rajasthan)

Date of order : October 30, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.M.K.Garg, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by learned counsel for the petitioner that the FIR was against unknown persons and after arrest of the petitioner, he was put to identification parade by three eye-witnesses viz. Gurmel Singh, Bahadur and Dalip Singh. The identification parade was conducted by Judicial Magistrate No.1, Sri Ganganagar and the petitioner was not identified.

I have gone through the identification parade report. The Judicial Magistrate recorded that eye-witnesses Gumel Singh, Bahadur and Dalip Singh did not identify the present petitioner Hanuman s/o Manfool Ram.

Having regard to the facts and circumstances of the case

and the fact that the eye-witnesses did not identify the present petitioner, without commenting on the merit of the case, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Hanuman s/o Manfool Ram be released on bail in FIR No.64/2007, P.S. Sadulsahar, Distt. Sri Ganganagar provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-